

DISTRICT OF OREGON, ss:

AFFIDAVIT OF **NOAH SLACKMAN**

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, **Noah Slackman**, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

I, Noah Slackman, being duly sworn, hereby depose and state the following:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”). I have been employed as a Special Agent with ATF since 2005. During this time, I have conducted and participated in numerous investigations concerning the illegal possession of firearms, federal controlled substances, and the commission of violent crimes, to include armed robberies of cocaine, which are also known as home invasion robbery investigations, or “stash house” robbery investigations.

2. During my employment as an ATF Special Agent, I have received specialized training regarding, and have personally participated in, various types of investigative activities, including, but not limited to, the following: (a) physical surveillance; (b) the debriefing of defendants, witnesses, informants and other individuals who have knowledge concerning violations of federal firearms laws; (c) undercover operations; (d) the execution of search warrants; (e) the consensual monitoring and recording of conversations; (f) electronic surveillance through the use of pen registers and trap and trace devices; (g) the court-authorized interception of both wire and electronic communications (i.e., Title III wiretaps); and (h) the handling and maintenance of evidence.

3. This Affidavit is made in support of an application for a criminal complaint and arrest warrant for NICHOLAS ANDREW MICHALICEK (herein known as “MICHALICEK”) for violations of the Gun Control Act, 18 U.S.C. § 924(a)(1)(A) (it is prohibited for any person to knowingly make a false statement regarding any of the information required by federal firearms law) and 18 U.S.C. §

922(a)(1)(A) (it is prohibited to engage in the business of dealing in firearms and not having a license to do so). This Affidavit is for the limited purpose of establishing probable cause to support the Criminal Complaint and warrant, but is not intended to convey all the facts of the entire investigation.

Applicable Law

4. 18 U.S.C. § 924(a)(1)(A) provides that it is prohibited for any person to knowingly make a false statement regarding any of the information required by federal firearms law. 18 U.S.C. § 922(a)(1)(A) provides that it is prohibited to engage in the business of dealing in firearms and not having a license to do so. Proof of this requires that defendant was willfully engaged in the business of dealing in, importing, or manufacturing firearms and that the defendant did not then have a license as a firearms dealer, importer or manufacturer.

FACTS AND CIRCUMSTANCES OF THE INVESTIGATION

5. During April 2021, I received information that MICHALICEK purchased numerous firearms between March 2020 through April 2021 and one of these firearms was recovered in central California by law enforcement ten days after it was purchased by MICHALICEK in Roseburg, Oregon. I checked firearms purchase records, and determined that in Oregon, between May 29, 2020 and May 12, 2021, MICHALICEK purchased approximately 100 firearms. Since April 1, 2021, MICHALICEK purchased approximately 50 firearms. The majority of these firearms are pistols, with most being manufactured by Glock, Smith & Wesson, Taurus, Ruger and Springfield. I am aware these firearms are not considered collectors' items but many are expensive, high-end weapons with a high resale value. I am aware that when individuals purchase firearms, they must complete the Firearms Transaction Record (ATF Form 4473). This form is six pages prescribed by the ATF and is required to be truthfully completed when a person purchases a firearm(s) from a Federal Firearms Licensee (FFL). The buyer is required to answer personal questions such as their name, date of birth and place of birth, among others. Questions

21a through 21k requires the buyer to answer ‘yes’ or ‘no’ by checking a box. Question 21a asks “Are you the actual transferee/buyer of the firearm(s) listed on this form...” “Warning: You are not the actual buyer/transferee if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you”. I have checked the majority of the ATF Forms 4473 completed by MICHALICEK and found he listed his residence as 541 Redwood Ave, Roseburg, Oregon, and checked “yes” to question 21a. I have reviewed the make, model, caliber and price of the firearms purchased, and the majority are pistols, not collectors guns, and range in price from approximately \$300.00 - \$500.00. I am also aware that on multiple occasions MICHALICEK purchased multiple firearms from several FFLs in one day, and at times made purchases from the same FFL at different times on the same day. For example, on April 22, 2021, MICHALICEK purchased six pistols consisting of Glock, Ruger, Smith & Wesson and Springfield from two FFLs during three transactions. On April 27, 2021, MICHALICEK purchased 15 pistols consisting of Springfield, Ruger, Glock, Sig Sauer and Smith & Wesson from two FFLs in four transactions. There are other examples of MICHALICEK engaged in the same behavior. I am also aware of several conversations between MICHALICEK and employees at the FFLs who inquired where he obtains the money to purchase the firearms. It was relayed to me that MICHALICEK told a Waldron’s Outdoor Sports employee that he inherited money from an uncle and told an employee at Umpqua Survival that he owns several businesses.

6. I reviewed a report from the Citrus Heights Police Department (CHPD), in Citrus Heights, California regarding the April 10, 2021 incident where two firearms were recovered from a vehicle and one or more occupant was wanted for robbery of a business. One of the firearms was a Springfield pistol that MICHALICEK purchased in Oregon on March 31, 2021, ten days prior to it being recovered by the CHPD. The other firearm was not purchased by MICHALICEK. Citrus Heights is in central California near Sacramento. This report indicates a Detective from the CHPD telephonically contacted

MICHALICEK to ascertain how his firearm was recovered in California. MICHALICEK stated that two of his firearms were stolen from the trunk of his vehicle and that he called police to respond, but officers did not arrive so MICHALICEK left without filing the report. The Detective noted that he was unable to locate a call for service for the firearms theft.

7. I am aware that MICHALICEK previously resided near Sacramento, operates a vehicle that is registered to a town near Sacramento and has a cellular telephone with area code of 530 (herein known as “Target Cell Phone”), which is a California area code in northern California. I am also aware that due to the ease of purchasing firearms in Oregon, along with having no sales tax, individuals often purchase firearms in Oregon and illegally transport them to California, where there are more firearm purchasing restrictions, and resell the weapons for a higher price.

8. Federal firearms laws require a person engaged in the business of dealing, importing, or manufacturing firearms, to obtain a license and/or permit from the ATF. A search through ATF’s Federal Licensing System (FLS) found that there are no ATF licenses or permits for Nicholas Andrew MICHALICEK.

9. I applied for and was granted a Search Warrant for geolocation data on the Target Cell Phone. On or about May 3, 2021, I began to receive information indicating the approximate location of the Target Cell Phone. The information included approximate “real-time” location of the Target Cell Phone every 15 minutes with messages indicating there is no location for the Target Cell Phone, and messages indicating a location accurate to within approximately 9 meters and greater.

10. Since I began receiving geolocation data from the Target Cell Phone on or about May 3, 2021, MICHALICHEK has purchased multiple firearms in Oregon followed by the Target Cell Phone traveling to California. My review of records shows that on May 3, 2021, MICHALICEK purchased three firearms from Waldron’s Outdoor Sports; on May 4, 2021, MICHALICEK purchased three firearms from Umpqua Survival; and on May 4, 2021, MICHALICEK purchased four firearms from Waldron’s

Outdoor Sports, split into two separate transactions. All of these purchases were in Oregon. Geolocation data shows the Target Cell Phone travelling from Roseburg, Oregon on or about May 4, 2021 to Biggs, California and returning to Roseburg on or about May 8, 2021.

11. On May 12, 2021, I learned that MICHALICEK purchased three pistols at Waldron's Outdoor Sports on May 10, 2021, and an unknown number of firearms at Waldron's Outdoor Sports on May 11, 2021. All of the purchases were in Douglas County, Oregon. Geolocation data from the Target Cell Phone showed that in the morning of May 12, 2021 it was travelling southbound in California. I requested the assistance of local law enforcement officers in Butte County, California to conduct a vehicle stop of MICHALICEK. Members of the Butte County Sheriff Office (BCSO) conducted a vehicle stop of MICHALICEK who was operating a Ford Crown Victoria with California license plate 6YLE412. Butte County is in central California approximately 80 miles from Sacramento. No other passengers were in the vehicle. The search of the vehicle led to the recovery of six firearms and four boxes of ammunition in the trunk of vehicle. The firearms are described as three Glock 9mm pistols, one FN 5.7mm pistol, one Smith & Wesson 9mm pistol and one Taurus 9mm pistol. The ammunition consists of three boxes of 9mm ammunition and one box of 20gauge ammunition. Officers also recovered numerous receipts from Waldron's Outdoor Sports and Umpqua Survival. MICHALICEK advised officers he just purchased the firearms recently and forgot they were in his vehicle when he drove from Oregon to California. I was able to confirm that three of the pistols are the same brand and serial number as the pistols purchased by MICHALICEK on May 10, 2021.

12. I was able to telephonically interview MICHALICEK and I asked how many firearms in total he had purchased. MICHALICEK responded approximately 30, but I am aware he purchased approximately 100 firearms from May 2020 through May 12, 2021. When I asked about the location of the purchased firearms, MICHALICEK stated approximately eight firearms were stolen from the trunk of his Crown Victoria recently and that he attempted to make a police report but was unsuccessful due to

police officers not responding to his location. I believe the incident MICHALICEK was referring to was the version of events he previously told law enforcement after the CHPD recovery of MICHALICEK's Springfield pistol on April 10, 2021, except the first time he said two pistols were stolen, not approximately eight. MICHALICEK did not want to answer additional questions.

13. On May 12, 2021, I applied for and was granted a Search Warrant for the residence of MICHALICEK, 541 Redwood Drive, Roseburg, Oregon (herein known as "Premises"). Members of the ATF executed the Search Warrant at the Premises and discovered MICHALICEK's belongings in what appeared to be a former barn now converted into a one-room living area. The homeowners advised MICHALICEK only enters the home to use the bathroom. No firearms were found in his bedroom. ATF agents located three empty gun boxes with Serial Numbers matching those from firearms that MICHALICEK purchased, several receipts from Federal Firearm Licensees (FFLs) showing recent gun purchases by MICHALICEK, and financial documents showing little to no income. I am aware that MICHALICEK spent over approximately \$57,000 on purchases of firearm, ammunition, accessories and background check fees, in Oregon, since April 1, 2020. Also during the search, investigators recovered W-2 (Wage and Tax Statement) forms from 2019 and 2020. The 2019 W-2 form indicates MICHALICEK earned \$5161.43 (gross pay) and the 2020 W-2 form indicates MICHALICEK earned \$7494.17 (gross pay).

14. I believe that MICHALICEK lied on ATF Form 4473 (Firearm Transaction Record) regarding the intended purchaser of firearms and I believe he was buying the firearms on behalf of others. I also believe that after purchasing the firearms in Oregon, MICHALICEK trafficked them to California to resell at a higher price without being licensed to do so.

CONCLUSION

15. Based on the above facts, I have probable cause to believe that Nicolas Andrew MICHALICEK violated the Gun Control Act, 18 U.S.C. § 924(a)(1)(A) and 18 U.S.C. § 922(a)(1)(A).

I therefore request that the Court issue a criminal complaint and arrest warrant for Nicolas Andrew MICHALICEK.

16. Prior to being submitted to the Court, this affidavit, the accompanying complaint and the arrest warrant were all reviewed by Assistant United States Attorney (AUSA) Jeffrey Sweet, and AUSA Sweet advised me that in his opinion the affidavit and complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

Request for Sealing

17. It is respectfully requested that the Court issue an order sealing, until further order of the Court, all papers submitted in support of the requested criminal complaint and arrest warrant. I believe that sealing these documents is necessary because the information to be seized is relevant to an ongoing investigation, and any disclosure of the information at this time may cause flight from prosecution, cause destruction of or tampering with evidence, cause intimidation of potential witnesses, or otherwise seriously jeopardize an investigation. Premature disclosure of the affidavit, the criminal complaint, and the arrest warrant may adversely affect the integrity of the investigation.

/s/ Noah Slackman, Per Rule 4.1

NOAH SLACKMAN
Special Agent, ATF

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at 4:15pm
a.m./p.m. on May 14,2021.


HONORABLE MUSTAFA T. KASUBHAI
United States Magistrate Judge